

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:	)	CHAPTER:	13
	)	CASE NO.:	18-00069
CHARLES MONROE DEMUMBREUM	)	JUDGE:	MASHBURN
SSN: XXX-XX-1002	)		
3108 MEADOWSIDE LANE	)		
NASHVILLE, TN 37207	)		
Debtor.	)		
	)		

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**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: FEBRUARY 19, 2019.**  
**IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: FEBRUARY 27, 2019, at 8:30 a.m. in**  
**Courtroom 1, Customs House, 701 Broadway, Nashville, TN 37203.**

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**NOTICE OF MOTION TO UTILIZE INSURANCE PROCEEDS, MODIFY PLAN, AND INCUR CREDIT**

Counsel for Debtor has asked the court for the following relief: utilize insurance proceeds, modify the plan to lower plan payments, and grant authorization to incur credit for a replacement vehicle.

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. **PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE REQUIRES ELECTRONIC FILING. ANY RESPONSE OR OBJECTION YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT: <https://ecf.tnmb.uscourts.gov>.**

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: US Bankruptcy Court, 701 Broadway, 1<sup>st</sup> Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

2. Your response must state that the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding is.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at (615) 736-5584 or viewing the case on the Court's website at [www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov).

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: January 29, 2019

Signature: /s/ Jodie Thresher  
Name: Jodie Thresher  
Address: 1222 16<sup>th</sup> Avenue South, Suite 12  
Nashville, TN 37212-2926

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IN RE:	)	CHAPTER:	13
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SSN: XXX-XX-1002	)		
3108 MEADOWSIDE LANE	)		
NASHVILLE, TN 37207	)		
Debtor.	)		
	)		

**MOTION TO UTILIZE INSURANCE PROCEEDS, MODIFY PLAN, AND INCUR CREDIT**

COMES THE DEBTOR, through counsel, Rothschild and Ausbrooks, PLLC, and would move to utilize insurance proceeds, modify this plan to lower the monthly payments, and incur credit for a replacement vehicle and in support of this motion would state as follows:

1) Debtor moves for an order authorizing her to apply the insurance proceeds issued as a result of an automobile accident by State Farm Insurance in the amount of \$9,153.88. Debtor further moves the Court to require the lien-holder on the destroyed vehicle, Insolve Auto Funding, to release its lien on the title and to remit same to State Farm Insurance in order to allow disposition of the salvage value in the destroyed 2013 Nissan Sentra.

2) State Farm insurance would remit \$6,998.98 to the Chapter 13 Trustee to be earmarked for the claim of Insolve Auto Funding (ECF Claim #3). State Farm Insurance would remit the remaining \$2,154.90, exempt under T.C.A. § 26-2-103, to the Debtor to be utilized in purchasing a replacement vehicle. This would satisfy the secured claim in full and Insolve Auto Funding would not require any additional funds to be distributed to them during the life of this plan.

3) The Debtor moves to have Insolve Auto Funding removed from the plan and the plan modified to lower the monthly payment to allow the Debtor funds to purchase a replacement vehicle.

4) As a result of such modification, the Debtor's plan payment would be reduced from \$577.00 bi-weekly to \$485.25 bi-weekly. The plan would complete over a life of approximately 44 months from confirmation paying general unsecured creditors 20%. The base would be reduced from \$55,000.00 to \$51,309.55 and the unsecured pool would be \$0.00.

5) Debtor moves for authorization pursuant to 11 U.S.C. section 1305(c) to incur credit to finance a replacement vehicle with direct monthly payments of no more than \$350.00 and a principal balance of no more than \$15,000.00.

6) Debtor has attached an amended family budget in support of this motion which reflects any changes to income and expenses since the last budget was submitted.

7) Debtor attended the Trustee's Money Management Class on January 23, 2018.

Respectfully submitted,

/s/ Jodie Thresher

Jodie Thresher

ROTHSCHILD & AUSBROOKS, PLLC

Attorney for Debtor(s)

1222 16<sup>th</sup> Avenue South, Suite 12

Nashville, TN 37212

(615) 242-3996 (telephone)

(615) 242-2003 (facsimile)

[notice@rothschildbklaw.com](mailto:notice@rothschildbklaw.com)

### **CERTIFICATE OF SERVICE**

I certify that on this 29th day of January, 2019, I served a copy of the foregoing in the following manner:

***Email by Electronic Case Noticing to:***

Beth R. Derrick, Asst. U.S. Trustee

Henry E. Hildebrand, III, Chapter 13 Trustee

***By U.S. Postal Service, postage prepaid to:***

All parties-in-interest per the below amended matrix.

***By email to:***

State Farm Insurance at [statefarmclaims@statefarm.com](mailto:statefarmclaims@statefarm.com), claim # 42-6532-P57

/s/ Jodie Thresher

Jodie Thresher

82 TOTAL USPS MAILINGS: \$82.00

**Accounts Receivable Mgmt Inc**

Attn: Officer Manager or Agent

PO Box 129

Case 3:18-bk-00069 Doc 58

**Alarm Services Group**

Attn: Officer Manager or Agent

8602 Farmington Blvd STE 5

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Thorofare NJ 08086-0129

**American InfoSource LP**

Attn: Officer Manager or Agent  
PO Box 4457  
Houston TX 77210-4457

**ARS National Services Inc**

Attn: Officer Manager or Agent  
PO Box 463023  
Escondido CA 92046-3023

**CAC Financial Corp**

Attn: Officer Manager or Agent  
2601 NW Expressway #1000 E  
Oklahoma City OK 73112-7236

**Caliber Home Loans**

Attn: Officer Manager or Agent  
13801 Wireless Way  
Oklahoma City OK 73134

**Capital One**

Attn: Officer  
PO Box 30281  
Salt Lake City UT 84130-0281

**Capital One Auto Finance**

Attn: Officer  
P.O. Box 259407  
Plano TX 75025

**Capital One Auto Finance, c/o AIS Portfolio  
Servic**

P.O. Box 4360  
Houston, TX 77210

**Centennial Medical Center**

Resurgent Capital Services  
PO Box 1927  
Greenville, SC 29602

**Citicards CBNA**

Attn: Officer  
PO Box 6077  
Sioux Falls SD 57117-6241

**Comcast**

Attn: Officer Manager or Agent  
PO Box 105257  
Atlanta GA 30348

**Credit Collection Services**

Attn: Officer Manager or Agent  
Two Wells Avenue  
Newton Center MA 02459-3246

Germantown TN 38139

**Anesthesia Medical Group**

Attn: Officer Manager or Agent  
P.O. Box 637931  
Cincinnati OH 45263

**Aspen National Collection Agency**

Attn: Officer Manager or Agent  
P.O. Box 10689  
Brooksville FL 34603

**CACH LLC**

Attn: Officer Manager or Agent  
4340 S Monaco 2nd Fl  
Denver CO 80237

**Capio Partners LLC**

Attn: Officer Manager or Agent  
2222 Texoma Pkwy #150  
Sherman TX 75090

**Capital One**

Attn: Officer  
PO Box 30253  
Salt Lake City UT 84130

**Capital One Auto Finance, a division of Capital  
On**

AIS Portfolio Services, LP  
4515 N Santa Fe Ave. Dept. APS  
Oklahoma City, OK 73118

**Centennial Medical Center**

Attn: Officer Manager or Agent  
P.O. Box 99400  
Louisville KY 40269

**Chase**

Attn: Officer  
PO Box 15298  
Wilmington DE 19850-5298

**Claims Resource Services**

Attn: Officer Manager or Agent  
603 Campbell Technology Parkway  
Campbell CA 95008

**Comcast**

Attn: Officer Manager or Agent  
PO Box 140400  
Nashville TN 37214-0400

**Cunningham Motors Inc**

Attn: Officer Manager or Agent  
404 S Main Street  
Goodlettsville TN 37072-1715

**Directv**

Attn: Officer Manager or Agent  
P.O. Box 78626  
Phoenix AZ 85062

**Enhanced Recovery Company LLC**

Attn: Officer Manager or Agent  
PO Box 57610  
Jacksonville FL 32241

**Fifth Third Bank**

Attn: Officer  
5050 Kingsley Drive  
Cincinnati OH 45227

**Fingerhut**

Attn: Officer Manager or Agent  
PO Box 166  
Newark NJ 07101

**First National Collection Bureau Inc**

Attn: Officer Manager or Agent  
610 Waltham Way  
Sparks NV 89434

**Fox Collection Center**

Attn: Officer Manager or Agent  
PO Box 528  
Goodlettsville TN 37070-0528

**IC System Inc**

Attn: Officer Manager or Agent  
PO Box 64437  
Saint Paul MN 55164-0437

**InSolve Auto Funding, LLC c/o Capital Recovery Gro**

PO Box 64090  
Tucson, AZ 85728-4090

**Lowes**

Attn: Officer Manager or Agent  
P.O. Box 530914  
Atlanta GA 30353

**Medical Necessities & Services, LLC.**

1811 Charlotte Pike  
Nashville, TN 37203

**Nashville Electric Service**

Attn: Officer Manager or Agent  
1214 Church St  
Nashville TN 37246

**NCO Financial**

PO Box 15630

**Doverside Emergency Physicians PLLC**

Attn: Officer Manager or Agent  
PO Box 37982  
Philadelphia PA 19101-7982

**Fifth Third Bank**

Optimum Mastercard  
P.O. Box 5222  
Carol Stream IL 60197

**Financial Recovery Services**

Attn: Officer Manager or Agent  
PO Box 385908  
Minneapolis MN 55438-5908

**Fingerhut/WebBank**

Attn: Officer  
6250 Ridgewood Road  
Saint Cloud MN 56303

**First Step Group**

Attn: Officer Manager or Agent  
6300 Shingle Creek Pkwy STE 220  
Minneapolis MN 55430

**GEARB/Sams**

Attn: Officer  
PO Box 965005  
Orlando FL 32896

**Inland Bank**

% Susan Faulkner  
736 Currey Road  
Nashville TN 37217

**Integrity Solution Services Inc**

Attn: Officer Manager or Agent  
4370 W 109th Street #100  
Leawood KS 66211

**LTD Financial Services**

Attn: Officer Manager or Agent  
7322 Southwest Fwy #1600  
Houston TX 77074

**Medical Necessities and Services**

Attn: Officer Manager or Agent  
P.O. Box 189  
Hohenwald TN 38462

**NCO Credit Services**

Attn: Officer Manager or Agent  
507 Prudential Road  
Horsham PA 19044

**Northstar Location Services LLC**

Attn: Officer Manager or Agent

Wilmington DE 19850

**Payment America Systems**

Attn: Officer Manager or Agent  
PO Box 24850  
Nashville TN 37202-4850

**Peritus Portfolio Services**

Attn: Officer Manager or Agent  
PO Box 93991  
Southlake TX 76092

**Portfolio Recovery Assoc LLC**

Attn Officer Manager or Agent  
PO Box 12914  
Norfolk VA 23541

**Portfolio Recovery Associates, LLC**

POB 12914  
Norfolk VA 23541

**Premiere Credit of North America For  
Radiology All**

P.O. Box 24850  
Nashville, TN 37202

**Premiere Credit of North America LLC**

Attn: Officer Manager or Agent  
PO Box 24850  
Nashville TN 37202-4850

**Radiology Alliance PC**

Attn: Officer Manager or Agent  
PO Box 79715  
Baltimore MD 21279-0715

**RJM Acquisitions LLC**

Attn: Officer Manager or Agent  
575 Underhill Blvd #224  
Syosset NY 11791-4437

**Rushmore Loan Management Services LLC**

P.O. Box 55004  
Irvine, CA 92619-2708

**Skyline Medical Center**

Resurgent Capital Services  
PO Box 1927  
Greenville, SC 29602

**SYNNCB/Electronic Express**

Attn Officer Manager or Agent  
PO Box 965036  
Orlando FL 32896

4285 Genesee Street  
Cheektowaga NY 14225-1943

**Pentagroup Financial LLC**

Attn: Officer Manager or Agent  
5959 Corporate Dr #1400  
Houston TX 77036

**PERITUS PORTFOLIO SERVICES II /  
WOLLEMI**

PO BOX 141419  
IRVING, TX 75014-1419

**Portfolio Recovery Associates**

Attn: Officer Manager or Agent  
120 Corporate Blvd #100  
Norfolk VA 23502

**PRA Receivables Management, LLC**

PO Box 41021  
Norfolk, VA 23541

**Premiere Credit of North America LLC**

Attn: Officer Manager or Agent  
PO Box 19309  
Indianapolis IN 46219

**Professional Recovery Svcs**

Attn: Officer Manager or Agent  
PO Box 1880  
Voorhees NJ 08043

**Resurgent Capital Services**

Attn Officer Manager or Agent  
PO Box 10587  
Greenville SC 29603

**Roofing Company**

Information Not Provided

**Santander**

Attn: Officer Manager or Agent  
P.O. Box 961245  
Fort Worth TX 76161

**Stellar Recovery Inc**

Attn: Officer Manager or Agent  
1327 Hwy 2 W #100  
Kalispell MT 59901

**SYNNCB/HHGregg**

Attn Officer Manager or Agent  
PO Box 965036  
Orlando FL 32896

**The CBE Group**

Attn: Officer Manager or Agent  
PO Box 2547  
Waterloo IA 50704

**The CBE Group**

Attn: Officer Manager or Agent  
1309 Technology Pkwy  
Cedar Falls IA 50613

**Titlemax - Bankruptcy Notices**

Attn: Officer Manager or Agent  
15 Bull Street #200  
Savannah GA 31401

**Unique National Collections**

Attn: Officer Manager or Agent  
119 E Maple St  
Jeffersonville IN 47130

**US Courthouse Credit Union**

Attn: Officer Manager or Agent  
P.O. Box 25047  
Nashville TN 37202

**Vanderbilt University**

Attn: Officer Manager or Agent  
P.O. box 121171 Dept 1171  
Dallas TX 75312

**The CBE Group**

Attn: Officer Manager or Agent  
PO Box 2695  
Waterloo IA 50704

**The Frist Clinic Inc**

Attn: Officer Manager or Agent  
3 Maryland Farms #250  
Brentwood TN 37027-5053

**TitleMax of Tennessee, Inc. d/b/a TitleMax**

15 Bull Street, Suite 200  
Savannah, GA 31401

**US Community Credit Union**

c/o Aubrie Johnston  
P.O. Box 140570  
Nashville, TN 37214

**Vanderbilt Medical Group**

Attn: Officer Manager or Agent  
Dept 1206 P.O. Box 121208  
Dallas TX 75312